

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

## ADAM GRADEN.

Petitioner,

V.

ELDON VAIL, ROB MCKENNA and  
WARDEN F. E. FIGUEROA.

## Respondents.

Case No. C08-5025 RBL/KLS

ORDER EXTENDING  
RESPONDENT'S TIME TO FILE  
AN ANSWER

This habeas corpus action has been referred to United States Magistrate Judge Karen L. Strombom pursuant to 28 U.S.C. § 636(b)(1) and Local MJR 1, 3 and 4. Before the court is Respondent's motion for an extension of time to file an answer to Mr. Graden's habeas corpus petition. (Dkt. # 16). Respondent seeks an extension until May 27, 2008 to allow sufficient time to obtain the state court record from the Washington Court of Appeals to determine whether Mr. Graden's claims are exhausted, whether the petition is timely, and to properly respond to the merits of his claims. *Id.*, p. 2. Respondent has ordered the files from Petitioner's proceedings in the Washington courts, but has not yet received all of the files. (*Id.*)

Petitioner filed no opposition to Respondent's request for an extension.

Accordingly, it is **ORDERED**:

1. Respondent's motion for an extension of time to file an answer to the petition for a writ of habeas corpus (Dkt. # 16) is **GRANTED**. Respondent shall file his answer on

1 or before **May 27, 2008**;

2. Petitioner may file reply brief not later than **June 6, 2008**;

3. The Clerk of the Court shall **re-note** the Petition for Writ of Habeas Corpus (Dkt. # 1) for **June 6, 2008**; and

4. The Clerk shall send copies of this Order to the Petitioner and to counsel for the Respondent.

6 DATED this 15th day of May, 2008.

9   
10 Karen L. Strombom

11 United States Magistrate Judge